IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2007

CORAM:

THE HONOURABLE MR.JUSTICE A. KULASEKARAN

WP.No.22506/2006

MP.Nos.1,2 & 3/2007

S.Susila Mary Petitioner

vs.

1.The Director, Directorate of Elementary
Education, College Road (DPI Campus)
Chennai

2.The District Elementary Educational Officer
District Elementary Education Office
Villupuram District

3.The Assistant Elementary Educational Officer
Assistht Elementary Education Office,
Kandamangalam, Villupuram Respondents
4.

Prayer:- This Writ Petition is filed under Art.226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the Respondents 2 and 3 in fixing the seniority list dated 1.1.2006 for the promotion to the post of Headmistress in so far as the Kandamangalam Block is concerned and quash the same and consequently to direct the Respondents to refix the seniority by placing the Petitioner in S.No.9 in so far as the Kandamangalam Block is concerned.

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For Petitioner :Ms.M.Kalaivani for M/s. Indus Associates

For Respondent :Mr.I.Paranthaman, GA

ORDER

1.This Writ Petition has been filed, challenging the seniority list dated 1.1.2006 drawn by the 3rd Respondent.

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2.The learned Government Advocate for the Respondents, relying on the counter affidavit, has submitted that the senior persons, over and above the Petitioner, have represented to the 2nd Respondent that the said seniority list dated 1.1.2006 was not in accordance with law and thereafter, the same was revised by drawing another list on 3.7.2006 and that the Petitioner gave a representation to the 2nd Respondent, which was also rejected by order dated 10.7.2006 and that in view of the fact that the seniority list dated 1.1.2006 itself, which is impugned in this Writ Petition, was already revised by another revised seniority list dated 3.7.2006, nothing survives in this Writ Petition.

3.In the counter affidavit filed by the Respondents, it is stated as under:-

> "Accordingly the list of seniority for the year 2006 as on 1st January was prepared by the 3rd Respondent and sent to the 2nd Respondent herein. The seniority list was not prepared properly by putting the name of the Petitioner in the proper place (i.e. over the name of her seniors) as in previous years. The 2nd Respondent had prepared the panel of eligible persons for promotion to the post of Elementary School Headmaster from the category of Secondary Grade Teachers, and released on 23.6.2006. The senior persons over the Petitioner have represented tot he 2nd Respondent to fix their names in the correct 6 place. As such and according to the instructions, contained in the proceedings RC.No.2394/2006 dated 23.7.2006 issued by the 1st Respondent herein had issued orders cancelling his earlier order stated above and issued a revised panel on 3.7.2006.
>
> The Petitioner had objected the above panel and given a representation to the 2nd Respondent. On receipt of the representation, the 2nd Respondent had given suitable reply to the Petitioner for her representation on 10.7.2006 and promotions were according to that panel. Nobody had objected the promotions made according to the revised panel. But the Petitioner had filed this petition challenging the revised panel and to fix her name above the names of her seniors."

4.In view of the facts that the seniority list dated 1.1.2006, which is impugned in this Writ Petition, was already revised by another revised seniority list dated 3.7.2006 and that the Petitioner also made a representation, which was also rejected by order dated 10.7.2006 by the 2nd Respondent, this court is of the considered view that nothing survives in this Writ Petition for adjudication. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected MPs are closed.

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5.However, it is open to the Petitioner to challenge the revised seniority list dated 3.7.2006 as well as the order dated 10.7.2006 passed on her representation, if she is so advised. The 3rd Respondent is directed to furnish a copy of the revised seniority list dated 3.7.2006 and also a copy of the rejection order dated 10.7.2006, if the same were not already served on the Petitioner. In case the Petitioner intends to pay the cost of the same, the Respondents are directed to issue certified copies of the same.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Srcm

To:

1.The Director, Directorate of Elementary
Education, College Road (DPI Campus)
Chennai

2.The District Elementary Educational Officer
Villupuram District

3.The Assistant Elementary Educational Officer
Kandamangalam, Villupuram

1 cc to M/s. Indus Associates, Advocate, sr. 24918
1 cc to the Government Pleader, Sr. 24976

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